THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 21760 OF 2005

DATED: 05.10.2005

Between:

Syed Jaffer Ali, S/o Syed Fatrid Ali, 16-2-319/320, Paltan, Malakpet, Hyderabad-36.

... PETITIONER

AND

The Motor Vehicle Inspector, RTA, Hyderabad (East) & another.

... RESPONDENTS

ORAL ORDER:

The Maxi Cab of the petitioner, bearing No. AP 11 W-9336, was seized on 03.10.2005, on the ground that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard, Sri Bukka Krishna, learned counsel for the petitioner, and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 03.10.2005, issued by the 1st respondent, discloses that the vehicle was being run without payment of tax. The

liability of the petitioner in the context of this observation needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that:

a. the Maxi Cab, bearing No.AP 11 W-9336, shall be released to the petitioner on his depositing a sum of Rs.5,000/- (Rupees Five thousand only).

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Date: 05.10.2005

Note: Issue C.C. tomorrow.

B/o.

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